



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians
Resolution #REN-13-007

TITLE: To Urge the Federal Government and Indian tribes to Support Legal Efforts by the Omaha Tribe in a Pending Federal District Court Matter

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WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the Omaha Tribe Reservation was established pursuant to the Treaty of 1854 as including land on which the Village of Pender, Nebraska is located;

WHEREAS, the Village of Pender filed suit in Federal District Court against the Omaha Tribal Council claiming the Tribe had no authority to impose regulations or collect taxes in Pender on the theory that the Reservation has been diminished and the Village of Pender was no longer located on the Omaha Reservation territory;

WHEREAS, the Village of Pender has voted to impose a sales tax to fund its lawsuit against the Omaha Tribe and has collected over \$600,000 to date to pay for their attorneys and expert fees;

WHEREAS, in February of this year the Tribal Court ruled in favor of the Omaha Tribe in a 44 page opinion concluding that the Reservation has not been diminished and the Village of Pender remains within the Reservation boundaries;

WHEREAS, the case is now before the Federal District Court and the State of Nebraska has moved to intervene and provide legal and financial support for the Village of Pender;

WHEREAS, pending federal district court matters that seek to diminish an Indian tribe's reservation have broad sweeping implications that could alter case law at the federal district level;

WHEREAS, such diminishment cases have the potential to adversely affect tribal regulatory authority, including the ability to tax within the exterior boundaries of the reservation, as well as the ability to regulate conduct and commerce;

WHEREAS, the Omaha Tribe has expended large sums of money on attorneys fees and expert witness fees, totaling over \$500,000 and must now defend the case in federal court;

WHEREAS, the Department of Justice has assisted with amicus curiae briefs and the Department of Interior has provided some funding for expert witness fees;

WHEREAS, The Omaha Tribe has suffered grievous economic damage with its Casino being destroyed by Missouri River flooding in 2011 and its current inability to collect taxes within the Village of Pender; all negatively impacting its ability to defend the Omaha Tribe's Reservation boundaries;

NOW THEREFORE BE IT RESOLVED, that the NCAI strongly urges the United States government to continue to support by all reasonable and possible means, including but not limited to, the filing of amicus briefs, funding to assist with attorney and expert fees, and if asked by counsel for the Omaha Tribe, by moving to intervene to support the position of the Omaha Tribe in defending its Reservation and its sovereignty; and

The NCAI further urges its members to show their support of the Omaha Tribe and the principles of tribal sovereignty by filing amicus briefs and by helping meet the critical funding need with monetary contributions designated for use in defending the diminishment suit.

BE IT FURTHER RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2013 Midyear Session of the National Congress of American Indians, held at the Atlantis Casino from June 24 - 27, 2013 in Reno, Nevada with a quorum present.



President

ATTEST:



Recording Secretary